REMARKS

In response to the Office Action dated August 25, 2006, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the amendments to the claims will only require a cursory review the Examiner. Applicant also respectfully submits that the claims, as now presented, are in condition for allowance.

Claims 1, 3-9 and 11-20 are pending in the present Application. Claims 1, 6, 9 and 14 are amended, leaving Claims 1, 3-9 and 11-20 for consideration upon entry of the present amendments and following remarks.

Support for the amendments can at least be found in the specification, the figures, and the claims as originally filed. No new matter has been introduced by these amendments.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 3-5, 7, 9 and 11-13 are rejected under 35 U.S.C. §103(a) as being obvious over Brissier et al., U.S. patent 4,815,605 (hereinafter "Brisser") in view of Cornelius, U.S. Patent No. 4,349,940 (hereinafter "Cornelius") and Starling et al., U.S. Patent No. 4,573,603 (hereinafter "Starling"). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1 and 9 are amended to recite, *inter alia*,

> "...an annular projection disposed completely out of alignment with the wall of the container and in proximity to a connecting piece of the container;...
> wherein the shell includes a rounded zone that delimits a region of greatest volume in the space between the inferior face of the shell and exterior face of the wall." [Emphasis added.]

Referring first to Brisser, there is not taught an annular projection of any kind, nor is there taught a region of greatest volume in any space between the Brisser enclosure 14 and cap 24. Instead, referring to Figure 1, the cap 24 is clearly illustrated without annular projections. The cap 24 is also clearly illustrated to delimit a consistent volume in the space between it and the enclosure 14, and thus, there is no region of greatest volume taught.

Referring now to Cornelius, while support members 13 and 14 (i.e. annular projections) are taught, there is no teaching of annular projections disposed completely out of alignment with the wall of the container. Instead, the support members 13 and 14 are aligned with a wall of the Cornelius tank 10. This wall does not include a numerical reference in the specification, but it can be seen clearly in Figure 1 at numerals 12 and/or 20. As shown is also shown clearly in Figure 1, the support members 13 and 14 are shown to be at least partially in alignment with this wall.

Furthermore, Cornelius does not teach a rounded zone that delimits a region of greatest volume. Instead, the space delimited by the support member 14 appears to be the region of greatest volume. Referring to Figure 1 and column 2, lines 30-31, the support member 14 includes "a flat peripheral annular support surface 26." Thus, as the support member 14 includes this flat surface 26, it is not taught to be round, and therefore, the zone of Cornelius that delimits the region of greatest volume is not rounded. In addition, even if this support member 14 was interpreted in some way to be rounded (which Applicant again asserts is not the case), Cornelius would not include both a rounded zone and annular projection, because these are features claimed individually in Applicant's claims 1 and 9.

Thus, as the combination of Brisser and Cornelius does not teach annular projections disposed completely out of alignment with the wall of the container or a rounded zone that delimits a region of greatest volume, Applicant respectfully asserts that this combination does not teach every element of Applicant's claims 1 and 9. Since Starling is cited by the Examiner to offer a teaching of dome ends made of a synthetic resin, it does not remedy the deficiencies of Brisser and Cornelius discussed above. Therefore, Applicant respectfully asserts that claims 1

and 9, and claims 3-5, 7, and 11-13 that depend variously therefrom, are not unpatentable over the combination of Brisser, Cornelius, and Starling.

Applicant notes that the amended features of claims 1 and 9 not only distinguish Applicant's claims from the prior art, but also offer inventive advantages over the prior art. For example, the region of greatest volume allows Applicant's device to have an increased zone of compressible material. In addition (again by way of example), aligning the annular projections away from the wall of the container provides better protection to the connecting piece of the container.

Claims 1, 3-9, 11-16 and 20 are also rejected under 35 U.S.C. §103(a) as being obvious over Hembert, U.S. patent 5,004,120 (hereinafter "Hembert") in view of Brisser, Cornelius, and Starling. However, Applicant respectfully asserts that Hembert does not remedy the deficiencies of Brisser, Cornelius, and Starling as they are discussed above and relate to claims 1 and 9. For example, as the Examiner states in the Office Action, Hembert does not teach an annular projection. Thus, Hembert offers no teaching of an annular projection disposed completely out of alignment with the wall, and does not remedy the deficiencies of Brisser, Cornelius, and Starling. As such, Applicant respectfully asserts that claims 1 and 9, and 3-8, 11-16, and 20 that depend variously therefrom, are not unpatentable over the combination of Hembert, Brisser, Cornelius, and Starling.

Claims 17-19 are also rejected under 35 U.S.C. §103(a) as being obvious over Hembert, Brisser, Cornelius, and Starling, in view of Dulisse, U.S. Patent No. 6,793,095 (hereinafter "Dulisse"). However, Applicant respectfully asserts that Dulisse does not remedy the deficiencies of Hembert, Brisser, Cornelius, and Starling as they are discussed above and relate to claim 9. Thus, as claims 17-19 depend from claim 9, Applicant respectfully asserts that claims 17-19 are not unpatentable over the combination of Dulisse, Hembert, Brisser, Cornelius, and Starling.

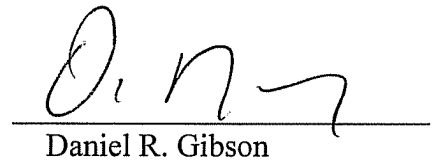
Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

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